

FILED

JAN 15 2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

Protect Our Parks, Inc., Charlotte Adelman,
Maria Valencia, and Jeremiah Jurevis,

Plaintiffs,

v.

Chicago Park District and City of Chicago,

Defendants.

Case No. 18-cv-3424

Honorable John Robert Blakey

**MOTION FOR LEAVE BY PRESERVATION CHICAGO AND JACKSON PARK
WATCH TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS OR FOR JUDGMENT ON
THE PLEADINGS**

(WITH DEFENDANTS' CONSENT)

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Pro Se

**CORPORATE DISCLOSURE STATEMENT AND
NOTIFICATION OF PUBLICLY HELD AFFILIATES**

Each *amici curiae* certifies that it is a non-profit corporation organized under 26 U.S.C. § 501(c)(3), has no parent corporation, does not issue stock, and has no publicly held affiliates.



Preservation Chicago

**CORPORATE DISCLOSURE STATEMENT AND
NOTIFICATION OF PUBLICLY HELD AFFILIATES**

Each *amici curiae* certifies that it is a not for profit corporation organized under Illinois law, has no parent corporation, does not issue stock, and has no publicly held affiliates.

Margaret Schmid
Burt Nulms

Jackson Park Watch

Preservation Chicago and Jackson Park Watch respectfully request leave to file the accompanying *amici curiae* brief attached as Exhibit A in opposition to the motion to dismiss or for judgment on the pleadings by Defendants City of Chicago and Chicago Park District.¹ Plaintiffs do not oppose this motion and consent to *amici curiae* filing their brief. The motion should be granted for the following reasons:

1. As the various *amici curiae* noted in their various submissions in support of the Defendant City of Chicago and The Chicago Park District's motion to dismiss Plaintiffs complaint, the Court has broad discretion to permit the filing of an *amicus curiae* brief "when the *amicus* has an interest ... that may be affected by the decision in the present case" or "when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." (*See, e.g.* Docket No. 61, Motion By Eleven Museums In the Park, ¶ 1)

2. This Court granted leave to three groups of *amici curiae*, including eleven Museums in the Park who provided their support to the Defendants' motion and for the OPC to become the twelfth museum in the park because it is substantially similar in form to the other eleven museums relative to its placement and related arrangements for operation. (See Docket No. 64) Consistent with the allowance of these *amici*, the Court should exercise its discretion and permit *amici* in support of the Plaintiffs' opposition to the Defendants' motion and various *amici* filed in support thereof.

3. *Amici curiae* Preservation Chicago and Jackson Park Watch are local not for profit organizations who have strong interests in the case in the same fashion that other *amici* have exhibited, and meet both bases for filing an *amicus curiae* brief in this case. First, *amici*

¹ A description of each of the *amici curiae* Preservation Chicago and Jackson Park Watch is appended to the proposed brief filed along with this motion.

curiae have a strong interest in this case. In general, both organizations are deeply involved with preservation issues in the City generally, and with Jackson Park specifically. Second, the background, work and experience of the organizations leaves it in a unique position to provide both information and insights that are not available to the parties, or otherwise have not been raised and which are of import in light of issues raised by Defendants generally and the *amici* Museums in the Park specifically.

4. Preservation Chicago and Jackson Park Watch agree with Plaintiffs that Plaintiffs' claims should not be dismissed. *Amici curiae*'s proposed brief does not duplicate the arguments made by Plaintiffs as why the Court should deny the Defendants' motion to dismiss or judgment on the pleadings. Instead, the proposed *amici curiae* brief provides the Court various details and context associated with the Museums in the Parks that raised in Defendants' motion and supporting *amici* that have not been discussed and which further support denial of the Defendants' motion.

5. No party or counsel for a party authored this brief in whole or in part, and no person other than *amici curiae* or its counsel contributed any money to fund its preparation or submission. None of the *amici curiae* are a subsidiary or affiliate of any publicly owned corporation.

6. No party would be prejudiced by the filing of this *amici curiae* brief. Counsel for Plaintiff has consented to the filing. **Counsel for the Defendants have also provided their consent to the submission of this *amici* brief.**

For the foregoing reasons, the Preservation Chicago and Jackson Park Watch's motion for leave should be granted, and the *amici curiae* brief attached as Exhibit A should be filed.

Dated: January 15, 2019

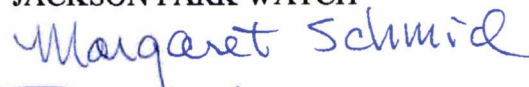
Respectfully submitted,

PRESERVATION CHICAGO



Executive Director

JACKSON PARK WATCH



Co-Presidents

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION

Protect Our Parks, Inc., Charlotte Adelman,)	
Maria Valencia, and Jeremiah Jurevis,)	
)	
Plaintiffs,)	Case No. 18-cv-3424
)	
v.)	Honorable John Robert Blakey
)	
Chicago Park District and City of Chicago,)	
)	
Defendants.)	

**BRIEF OF *AMICI CURIAE* PRESERVATION CHICAGO AND JACKSON PARK
WATCH AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS OR FOR JUDGMENT ON THE PLEADINGS**

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INTEREST AND IDENTITY OF AMICI

This *amici curiae* brief is submitted by Preservation Chicago, a 501 (c) (3) non-profit preservation and historic advocacy organization which has for almost two decades worked on issues impacting Chicago's historic landmarks and landscapes,¹ and Jackson Park Watch, a Hyde Park based community organization devoted to issues in Jackson Park.² *Amici*, have unique expertise and knowledge arising from their work and experience, and submit this brief to provide important information that is not included in the presentation of the parties or within in the submission from the eleven "Museums in the Park" who have provided their support for the proposed Obama Presidential Center (the "OPC") as well as for Defendants' motion to dismiss.³ The proposed OPC is to be located and constructed on approximately 20 acres of public parkland in historic Jackson Park, a world-class park designed by perhaps one of world's greatest landscape architects of all time, and certainly the greatest of the 19th century American designers, Frederick Law Olmsted.

The Museums in the Park argue (as do the Defendants) that because their museum facilities are situated in various parks throughout Chicago, and because the Defendants' proposal is for the OPC to be situated in historic Jackson Park, it is therefore appropriate for the OPC to be situated in Jackson Park. Repeating an argument raised by the City of Chicago in connection with the

¹ Preservation Chicago works to protect and create Chicago landmarks and designated districts, structures as well as important parks, boulevards and landscapes. Executive Director Ward Miller has an extensive architectural and historical background, and has worked with distinguished organizations and architectural firms in Chicago. Additional information is included in the attached Appendix.

² Jackson Park Watch is a well-respected community-based research and advocacy organization working to ensure community input in major decisions concerning Jackson Park, advocating for prioritization of local uses and users, and creation of a single comprehensive plan for the Park. Co-presidents Brenda Nelms and Margaret Schmid, both academically trained, are Hyde Park residents with a history of enjoying and volunteering in Jackson Park. Additional information is included in the attached Appendix.

³ *Amici* here state that no party or party's counsel authored the brief in whole or in part, and that no party or party's counsel contributed money that was intended to fund preparing or submitting the brief.

proposed Lucas Museum,⁴ the Museums in the Park further argue that the failure to grant Defendants' motion to dismiss "could negatively impact some or all of *amici curiae* and the museum-going public by potentially diverting resources away from the museums' mission to serve the public interest." (Brief at 3) The *amici* submit this brief to provide historical context and information that has not been otherwise provided which demonstrates that the information from the Museums in the Park is incomplete and inaccurate at best, and that their concerns are unwarranted and unsupported.

ARGUMENT

As will be explained in detail below, there is no other situation where a brand-new institution in a new building and a new campus has been situated in a historic Chicago park and landscape of such importance. Indeed, just a few years ago, the attempt to move the Chicago Children's Museum to Grant Park was soundly (and properly) rejected. Contrary to the express and/or implied arguments, the settings and context for the eleven Museums in the Park were all very different from that being proposed for the OPC. The Museums in the Park utilized reclaimed historic buildings, or were constructed on sites of previously existing buildings that became available, or were constructed on former railyards or empty non-parkland. In summary,

- Four of the museums took over existing buildings and remodeled and/or restored them in part (Museum of Science and Industry, The DuSable Museum of African American History, National Museum of Puerto Rican Arts & Culture, National Museum of Mexican Art);
- Three of the museums in the parks were built on the existing footprints of prior buildings, which were demolished for a new museum structure (The Art Institute of Chicago, Museum of Contemporary Art Chicago, Peggy Notebaert Nature Museum); and

⁴<https://www.chicagotribune.com/ct-lucas-museum-public-trust-park-district-land-perspec-0109-20150108-story.html>

- Four museums were built outside of existing parkland (Field Museum of Natural History, Shedd Aquarium, Adler Planetarium, Chicago History Museum).

I. Frederick Law Olmsted and the History of Jackson Park.

Jackson Park was designed by noted landscape architects, Frederick Law Olmsted and Calvert Vaux beginning in the 1870s, Olmsted and his firm designed both this park and its adjacent connecting parks of the Midway Plaisance and Washington Park for the South Parks Commission. These parks and boulevards were all planned as one uniform idea and concept. Olmsted, also the designer of New York's Central Park and Riverside Park, to name several examples, was considered a genius and true artist in his trade, with his landscapes treasured as works of art. Olmsted parks are highly respected and are considered both local Chicago and national treasures by many.

Jackson Park (as well as the Midway Plaisance and Washington Park) are considered to be some of the finest-quality parks in the United States, and the very best of the Chicago parks that line and border the Chicago Lakefront for 24 miles. These parks have been historically understood to be "forever open and free to all" by its citizens and elected officials, to be used only for the recreational enjoyment of the people, without encumbrances. This open access — "forever open and free" — is a special feature of Chicago and is unparalleled for any large American city. It is therefore a landmark in city planning and was also considered and encompassed in Daniel Burnham's 1909 Plan of Chicago.

II. The Establishment of the Eleven "Museums in the Park" Are Not Comparable to The Circumstances Surrounding the Development of the Obama Presidential Center.

As seen below, each of the eleven Museums in the Park was created and developed under circumstances that did not involve the destruction of parks or landscapes, and are inapposite to the circumstances surrounding the Obama Presidential Center.

A. *The Art Institute of Chicago/ World's Congress Auxiliary Building, World's Columbian Exposition*

The Art Institute of Chicago and what is referred to as the Allerton Building, the oldest section of the art museum, was constructed in 1893, fronting Michigan Avenue at Adams Street. The limestone-clad Beaux Arts style Allerton Building was designed by Boston architects Shepley, Rutan & Coolidge, successor to the firm of H. H. Richardson and one of the most well-respected East Coast firms of the day.⁵ No part of what was to become Grant Park (originally known as Lake Park) was destroyed to place the Art Institute in its location. The new permanent building of the Art Institute was constructed on approximately the same footprint as that of a prior structure, The Interstate Industrial Exposition Building, a very large structure and exhibition hall, completed in 1873 and designed by architect William Boyington, who was the architect of the Old Chicago Water Tower. That original structure, defined as an elongated and enormous building, measuring 200' x 800', was topped with three large domes and stood from about 1873-1890. It then was replaced by the Allerton Building, which was constructed for the 1893 World's Fair and as a permanent home for The Art Institute of Chicago. The new building served as a welcome building and site of the World's Parliament of Religions, from September 11-16th, 1893.

A. Montgomery Ward, the "Protector of Chicago's Lakefront," successfully halted the building of other permanent structures in what was later to be called Grant Park. Due to the efforts and long-time span of these legal challenges in the courts, many Chicagoans "blamed Ward for

⁵ Harold M. Mayer and Richard C. Wade, *Chicago: Growth of a Metropolis* (Chicago and London: University of Chicago Press, 1974) at 122, a description of the "glass and iron building" along with a photo.

Grant Park's raw and unfinished appearance over a long period of time,"⁶ further emphasizing that Grant Park was not yet fully completed as envisioned or as we know it today.

B. The Museum of Science and Industry/Palace of Fine Arts Building

"When the United States Congress officially selected Chicago as the site of the World's Columbian Exposition in 1890, Burnham and Root were named the consulting architects and Olmsted as the consulting landscape architect for the Fair. Olmsted recommended Jackson Park as the site for the fairgrounds because of its largely unfinished condition and its proximity to Lake Michigan. He believed that the lake would provide a dramatic backdrop and would serve as an inspiration for the design and of the entire campus. The architects soon began working with Olmsted to develop a general scheme for the fairgrounds."⁷

The Museum of Science and Industry building, constructed in 1893, was originally built as "The Palace of Fine Arts" to house paintings and sculpture as part of the World's Columbian Exposition of 1893.⁸ Jackson Park was designed in phases by Olmsted and his firm and special accommodations were made both before and after the Fair for the building that would become the MSI.⁹ Therefore, no part of Jackson Park was destroyed following the Fair in order to place the Museum of Science and Industry.

⁶ "Daniel H. Burnham and Chicago Parks," Julia S. Bachrach, Chicago Park District Historian, <https://www.chicagoparkdistrict.com/sites/default/files/images/page/burnham.pdf> (last visited Jan. 11, 2019).

⁷ *Ibid.*, at 4-5.

⁸ *The Dream City; A Portfolio of Photographic Views of the World's Columbian Exposition*, (St. Louis: N.D. Thompson Publishing Company, 1893), Introduction by Halsey C. Ives.

⁹ "Olmsted described the Jackson Park site as it appeared in 1890 as 'the least parklike ground within miles of the city.' It consisted of marshy flats covered with reeds and scrub vegetation, and the landscaping activity that made it essentially the Jackson Park of today was a herculean effort." Peter Bacon Hales, "Introduction," in Stanley Applebaum, *Spectacle in the White City: The Chicago 1893 World's Fair* (Calla Editions, 2009), at 5

The Palace of Fine Arts building, designed by Charles Atwood and Daniel Burnham of the D.H. Burnham & Company architectural firm, was located and constructed under the general supervision and approval of Frederick Law Olmsted. His firm of Olmsted & Vaux, later known as Olmsted, Olmsted & Eliot, expressly made accommodations in the plans for the park for what was considered the only permanent building of a large scale on the Fairgrounds of the Columbian Exposition. Jackson Park's plans included a series of naturalistic Lakefront spaces, lagoons and canals extending into the City's South Side neighborhoods of Hyde Park, Woodlawn, South Shore, Washington Park, with grand carriageways, now considered great boulevards, inter-connecting them, all of which were undisturbed by the placement of the building.

Following the closing of the Columbian Exposition, the Palace of Fine Arts building housed the original Field Museum, also known as the Field Columbian Museum, from 1894 to 1922 (*see below*, Section C). In the early 1930s, at the height of the Depression and after being mothballed for more than a decade, the building was reconstructed in more permanent materials as originally envisioned, and became the home for the new Museum of Science and Industry (MSI). Julius Rosenwald, a philanthropist and former president of Sears, Roebuck and Company, completely funded the reconstruction and restoration of the facades of the building in limestone, while also endowing and supporting the new museum, on the same site, design and footprint as the original 1893 building.

C. The Field Museum of Natural History.

The first or original Field Museum of Natural History (also known for a time as the Field Columbian Museum) was funded by retail magnate Marshall Field to provide a permanent home to house a large number of objects relating to the natural history and anthropology exhibits from

the Fair and, as noted above, was originally housed in the former Palace of Fine Arts Building in Jackson Park.

The current Field Museum of Natural History (also known at one time as the Chicago Museum of Natural History) on what is now the Museum Campus was designed by Daniel Burnham and the D.H. Burnham Company Architects and was completed in 1922. The new museum building was originally to be sited on an axis with Congress Parkway and the Lakefront, just east of Michigan Avenue and on the approximate site of Buckingham Fountain.¹⁰ This location was challenged in the courts, and a lawsuit by retail magnate A. Montgomery Ward to keep the Lakefront “forever open and free” lasted for years. Ward actually filed four different suits that successfully kept Grant Park free and clear of development, including from that of the Field Museum.¹¹

Ultimately, the Field Museum’s new marble building of 1922 was located just south of Grant Park on former rail yards. It was *not* part of Grant Park at the time of construction, although later it was surrounded by an extension of Grant Park, named in honor of Daniel Burnham, known as Burnham Park and now the site of the “Museum Campus.” It is fair to say that the park grew around the Field Museum, and not vice versa.

D. The John G. Shedd Aquarium

The John G. Shedd Aquarium was named after the former president of Marshall Field & Company, the giant retailer and one-time wholesaler with a magnificent store on Chicago’s State Street. Shortly after his retirement in 1924, Shedd donated \$2 million to build what would be the

¹⁰ Mayer and Wade, at 292-298, with photos.

¹¹ See *Ward v. Field Museum*, 241 Ill. 496 (1909)(enforcing right to open space); see also *Chicago v. Ward*, 169 Ill. 392 (1897)(enjoining construction by City of Chicago in area of what was referred to as Lake Park); *Bliss v. Ward*, 198 Ill. 104 (affirming that Lake Park was to be free of structures); *South Park Commissioners v. Montgomery Ward & Co.*, 248 Ill. 299 (1910) (affirming dismissal of actions for condemnation by municipality for land held by defendant).

world's largest aquarium at the time. James Simpson, Shedd's successor as president of Marshall Field & Company, arranged for the South Parks Commission (predecessor of the Chicago Park District) to donate a circle of empty land it owned at the foot of 12th Street (now Roosevelt Road) for the site of the public aquarium. The building was designed by Graham, Anderson, Probst & White,¹² the successor firm to D. H. Burnham and Burnham Brothers Company. The Shedd Aquarium opened on May 30, 1930. While today the Shedd may appear to have been constructed in a park, this is another case where the park came to surround the new building.

E. The Adler Planetarium

Max Adler, retired vice-president of Sears, Roebuck and Company, donated \$500,000 for the construction of the Adler Planetarium in 1928. He also purchased what was then cutting-edge astronomical equipment for installation in the Planetarium. Adler, who was married to Julius Rosenwald's daughter, originally proposed to locate the Planetarium at what became the Museum of Science and Industry, but related delays resulted in the decision to build it at the northern tip of the recently completed Northerly Island. No parkland was disturbed, altered or destroyed in conjunction with the building of the Planetarium. The building was designed by Ernst Grunsfeld in about 1933, and was part of the "Century of Progress"—Chicago World's Fair of 1933. While the Adler Planetarium is not in a typical park, it appears to balance Navy Pier to the north in its overall plan, loosely following Burnham's 1909 Plan of Chicago.¹³

¹² See *Shedd Aquarium: the First 75 Years*. Karen Furnweger (Tehabi Books, 2005), at 9-26; "Choose Site for \$2,000,000 Shedd Gift," *Chicago Daily Tribune*, January 24, 1924; "Shedd Aquarium Is Expected to Prove Most Popular Among Chicago's Attractions," *Chicago Commerce*, Feb. 2, 1924; "Shedd Society Visions Finest Aquarium Here," *Chicago Daily Tribune* [Feb.] 14, 1924; "Complete Plans Announced for Shedd Aquarium," *Chicago Daily Tribune*, April 14, 1925; Mayer and Wade, at 292-298, with photos.

¹³ See "\$500,00 Gift to Build Park Planetarium," *Chicago Daily Tribune*, June 7, 1928; "Takes \$500,000 Adler Gift for Planetarium," *Chicago Daily Tribune*, June 21, 1928; "Editorial of the Day: CHICAGO'S PLANETARIUM," *Chicago Daily Tribune*, July 3, 1928; "Ready to Draw Building Plans of Planetarium: Donor, Architect, Return from Foreign Tour," *Chicago Daily Tribune*, October 3, 1928; Mayer and Wade, at. 292-298, with photos;

F. DuSable Museum/South Park Commissioners Headquarters

The DuSable Museum was originally located in the home of Dr. Margaret Burroughs and founded in 1961. In or around 1934, the South Parks Commission was consolidated into the Chicago Park District. This consolidation left several structures underutilized, mothballed or vacant in the Chicago Park System, as all administration was centralized into a new headquarters, adjacent to the north end of Soldier Field. In the early 1970s the DuSable Museum relocated from Dr. Burroughs' home to the former South Parks Commission's Headquarters Building in Washington Park, an existing building dating to about 1910. The museum later expanded with an addition known as the Harold Washington Building, also within the framework of the Olmsted-designed park and its historic streets. Most recently, the museum expanded into the former Washington Park Horse Stables buildings, constructed by the noted firm of Burnham & Root and dating from the 1880s. Both of these examples engage historic buildings and modest additions as needed for expansion, but within an existing framework of buildings and spaces.¹⁴

G. Peggy Notebaert Nature Museum (Chicago Academy of Sciences)

Lincoln Park, located on the Lakefront on the City's North Side, was originally part of the Public City Cemetery grounds at its southern end adjoining the old Catholic Cemetery. These lands were cleared for a park over concerns of public health issues, beginning in the 1860s and still continuing at the time of the Chicago Fire of 1871, when residents fleeing the flames ran for cover in some of the empty graves of those relocated to other cemeteries.

[https://en.wikipedia.org/wiki/Max_Adler_\(Sears\)](https://en.wikipedia.org/wiki/Max_Adler_(Sears)) (last visited Jan. 2, 2019); https://en.wikipedia.org/wiki/Adler_Planetarium (last visited at Jan. 2, 2019); www.encyclopedia.chicagohistory.org/pages/23-html (last visited Jan. 2, 2019).

¹⁴ Amina J. Dickerson, "DuSable Museum," *The Encyclopedia of Chicago History*, edited by James R. Grossman, Ann Durkin Keating, and Janice L. Reiff (Chicago and London, University of Chicago Press, 2004), at 249-50.

The Matthew Laflin Memorial Building of 1893, by architects Patten & Fisher, was part of the Chicago Academy of Sciences, Chicago's oldest museum, founded in 1857 to "promote knowledge of the region's natural history." It was constructed as a sort of adjunct World's Fair building in Lincoln Park, although not officially associated with the Fair. This historic structure, located at Clark Street and Armitage, is now the Lincoln Park Zoo Administration Building. In turn, the Chicago Academy of Sciences, similar in some of its original collections to the Field Museum, left the Laflin Building for a new structure with a new name, the Peggy Notebaert Nature Museum. It was designed by Perkins & Will Architects and constructed in 1999 on the site of the former "Shops Buildings" or service buildings of Lincoln Park. These were demolished to allow for the new museum building on the footprint of the razed structure.

These are excellent examples of a tradition of constructing a new building on the site and footprint of an old building—mostly service structures—as well as of reusing an historic building for another purpose that would benefit the public.¹⁵

H. Chicago Historical Society/Chicago History Museum (renamed in 2006)

The Chicago History Museum, originally known as the Chicago Historical Society, was founded in 1856 and was a victim of the Chicago Fire of 1871, when most of its collections were lost to that tragic fire that also destroyed much of the Central Business District. The museum then occupied another building by Henry Ives Cobb, opened in 1896 and located at 632 N. Dearborn Street, the same site as the pre-fire building. It remained in this location for 36 years. However, in the 1930s this area, now known as "River North," became less desirable, as it became overwhelmed with transient hotels and businesses that were aligned with other blighted areas near downtown Chicago. In 1932 the Chicago Historical Society moved to the corner of Clark and

¹⁵ Paul Heltne, "Chicago Academy of Sciences," *Ibid.*, at 130-31; <http://www.naturemuseum.org/the-museum/history> (last visited Jan. 12, 2019).

North Avenue, at the edge of Lincoln Park on a modest site at a heavily commercialized intersection on what was a portion of the former City Cemetery lands once lined with mausoleums and headstones. The new Georgian-Federalist Style building was designed by Graham, Anderson, Probst & White. The museum expanded its facilities in 1972, with a new addition hugging Clark Street, which did not impact the Lincoln Park side of the building. The addition was designed by Alfred Shaw and Associates and later remodeled by Holabird & Root.¹⁶

I. Museum of Contemporary Art/Former Illinois National Guard Armory

The Museum of Contemporary Art (“MCA”) is another example of a museum that was built on the site of a former public building rather than on parkland. The MCA opened its doors in 1967, in a small building at 237 East Ontario Street, a former bakery building. To accommodate continued growth, in 1999 the MCA reached an agreement to construct a new building on the site on the partial footprint of the Illinois National Guard’s /1st Cavalry Illinois National Guard’s Armory, also known as the Chicago Avenue Armory. The old historic building situated in the west end of what is known as Lake Shore Park was designed by Holabird & Roche in about 1915. In about 1993, the historic building was demolished and replaced with a new structure designed by German architect, Josef Paul Kleihues, which opened on June 21, 1996. The new MCA structure was restricted to building on half of the armory’s footprint and limited to not exceeding the height of the original armory structure.¹⁷

J. The National Museum of Mexican Art/Harrison Park Natatorium

¹⁶ Michael Ebner, “Chicago Historical Society,” *Encyclopedia of Chicago History*, at 136; <https://www.chicagohistory.org/about-the-building/> (last visited Jan. 12, 2019).

¹⁷ See <https://www.mcachicago.org/About/History> (last visited Jan. 3, 2019); <https://www.mcachicago.org/About/Building> (last visited Jan. 3, 2019); <https://www.chicagoparkdistrict.com/index.php/parks-facilities/lake-shore-park#History> (last visited Jan. 3, 2019); <http://shifting-grounds.net/index.html> (last visited Jan. 3, 2019); “Get your guard up: MCA armory move may put the kibosh on new park,” *Chicago Tribune*, April 28, 1985; “Museum to build on armory site,” *Chicago Tribune*, May 6, 1988.

The National Museum of Mexican Art, located at 1852 W. 19th Street in the Pilsen Community was founded in 1982 as the Mexican Fine Arts Center Museum. It opened its doors in 1987 in Harrison Park. This is another example of reuse of an existing building in a park; the museum was located in a renovated natatorium building or enclosed pool house. In 2001, the museum expanded to a 48,000 square-foot, state-of-the-art facility on the same site and in 2006 took on a new name, the National Museum of Mexican Art.¹⁸

K. National Museum of Puerto Rican Arts & Culture/Humboldt Park Stables

Located in Humboldt Park, the National Museum of Puerto Rican Arts & Culture (“NMPRAC”) is a particularly outstanding example of the reuse of an existing building for one of Chicago’s “museums in the parks.” Founded in 2000 by members of Chicago’s Puerto Rican community and local supporters of arts and culture, the early years of the museum centered on renovating the historic Humboldt Park Horse Stables, an iconic building that has been culturally and historically significant to Chicago since the late 19th century. Designed by architects Fromman & Jebsen and constructed in 1895–1896, the Humboldt Park Stables feature fine quality materials rarely seen today: red pressed brick, timber cornices and gables, glazed corner tiles, dramatic turrets and archways, and a long sloping red tile roof. In December of 1895, Danish immigrant and master landscape architect Jens Jensen, was named Superintendent of Humboldt Park and later, of Chicago’s West Park System. Jensen’s office was located on the first-floor turreted office at the southeast corner of the building, overlooking the park.

¹⁸ See <http://nationalmuseumofmexicanart.org/content/about-us-0> (last visited Jan. 3, 2019); <https://www.chicagoparkdistrict.com/parks-facilities/harrison-carter-park> (last visited Jan. 3, 2019); “The race for space,” *Chicago Tribune*, May 10, 1987; “A museum grows in Pilsen,” *Chicago Tribune*, April 26, 2001.

The stable building was listed on the National Register of Historic Places in 1991, but shortly afterwards a fire destroyed much of the roof and the second floor, and a long period of renovation began. Work on the exterior of the building were completed in 1998. The interior has undergone significant renewal with the building of several galleries and classrooms in 2010. In 2014, the second floor was fully renovated, adding another gallery space and administrative offices.¹⁹ The restoration and thoughtful reuse of this extraordinary space has been heralded as a tremendous gift to the community.

III. Refusal to Grant Defendants' Motion Will Not Imperil the Museums in the Parks and Will Not Harm the Public Interest.

The Museums in the Park submission argues that the failure to grant the Defendants' Motion to Dismiss the Plaintiff's Case "could negatively impact some or all of *amici curiae* and the museum-going public by potentially diverting resources away from the museums' mission to serve the public interest." (Brief at 3) From the experience and work of the *amici* both with these institutions and more generally, this statement is simply untrue and unsupported. As the foregoing demonstrates, the proposed Obama Presidential Center would be uniquely situated, and indeed the situations of the eleven museums differ widely among themselves. Accordingly, whether or not the Obama Presidential Center is ultimately constructed in Jackson Park will have no bearing on the functions, missions, or public benefits of the other museums., and this argument from the Defendants and the Museums in the Parks should be disregarded.

¹⁹ See <https://www.chicagoparkdistrict.com/parks-facilities/humboldt-alexander-von-park#History> (last visited Jan. 3, 2019); <http://nmprac.org/about/> (last visited Jan. 3, 2019).

IV. Conclusion

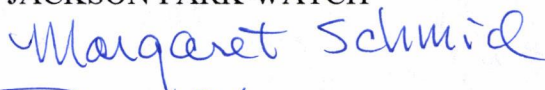

The express and/or implied argument of the Museums in the Park that the Obama Presidential Center is simply the same in circumstance and context as the other museums is inaccurate and unfounded. While museums have been situated in various spaces (often as repurposed buildings or on the footprint of prior buildings), none of the circumstances involving the Museums in the Park involved destruction of 19.3 acres of historic landscape and landmark quality park; in fact, Jackson Park is listed on the National Register of Historic Places. No other park building or museum in Chicago's park system rises to 235 feet in the air as is proposed for the Obama Museum Tower, essentially the height of a 23-story building. The Museum of Science and Industry, designated by Olmsted as the centerpiece building of Jackson Park after the Columbian Exposition was concluded, rises at the topmost point of its dome to about 53' in height. To accommodate the Obama Presidential Center in Jackson Park, many hundreds of trees would be destroyed—some old growth trees—and almost twenty acres of Olmsted-designed parklands would be severely compromised. That the Obama Foundation and City may need to consider – and indeed *should* consider – a more sensitive preservation approach to siting its new campus is not a threat in any fashion to any of the existing Museums in the Park.

For these reasons, *amici curiae* Preservation Chicago and Jackson Park Watch respectfully urges the Court to deny the Defendants motion to dismiss or for judgment on the pleadings.

PRESERVATION CHICAGO



JACKSON PARK WATCH

APPENDIX

Preservation Chicago is a nonprofit advocacy organization committed to championing the protection, revitalization, and adaptive reuse of Chicago's unique and irreplaceable historically significant architecture, neighborhoods, and urban spaces. Through advocacy, outreach, education, and partnerships, Preservation Chicago seeks to affect positive change.

Preservation Chicago was founded in 2001 by citizens upset by the large number of historic buildings lost to demolition. At that time, support for preservation efforts was focused on the Loop and Central Business District/Downtown. The founding members of Preservation Chicago felt there was urgent need for a citizen's group additionally dedicated to working throughout Chicago's many neighborhoods and communities. Now working in partnership with residents, neighborhood organizations, community groups and likeminded organization, our adopted motto has become "Citizens advocating for the preservation of Chicago's historic architecture."

Ward Miller studied architecture at the Illinois Institute of Technology in Chicago. For twenty years, Mr. Miller worked at Vinci-Hamp Architects, Inc. (formerly Office of John Vinci), where he was the Project Architect and Manager for restoration projects, including Holy Family Church, dating from 1857, The Episcopal Church of the Epiphany, and the Heller House by Frank Lloyd Wright to name several. He also worked with Vinci on numerous temporary and permanent art installations at The Art Institute of Chicago and other museums.

As Executive Director of Preservation Chicago, Miller advocates for historic preservation and is involved in campaigns to encourage restoration and reuse of many of Chicago's historic buildings. In 2010, Mr. Miller completed the long-awaited book, "The Complete Architecture of Adler & Sullivan," along with co-author, John Vinci. The book has received both national and international accolades and was awarded the Gold Medal from the Independent Publishers of America. The book also received an Honor Award from AIA Chicago in addition to receiving the Book of the Year Award by Atlantic Magazine in 2010 and 2011.

Jackson Park Watch is a community-based research and communications advocacy organization. Begun in fall 2015 by Hyde Park residents concerned about the lack of information about a project (since abandoned) to construct an visitor center and outdoor music venue in the Park, it has since become a trusted resource of information about all plans related to the Obama Presidential Center, related road changes, and the federal review processes underway. JPW communicates through both periodic Jackson Park Watch *Updates* and carefully researched information on its website www.jacksonparkwatch.org. It is a consulting party in the Section 106 federal review currently underway, partners with established organizations such as Preservation Chicago and others, and is often cited in media reports on the OPC and related issues.

Jackson Park Watch co-president **Brenda Nelms**, who has a PhD in history, is a long-time Hyde Park resident. Jackson Park was a favorite playground as she reared her two children. She volunteers at the Bobolink Meadows and participates in two local park advisory committees. She

retired from the position of Senior Director of Foundation and Corporate Relations at the University of Chicago.

Jackson Park Watch co-president **Margaret Schmid**, who has a PhD in sociology and is also a Hyde Park resident, was on the faculty at several Chicago universities before moving on to leadership positions in public sector unions and health care advocacy organizations. She volunteers in the Japanese Osaka Garden on the Wooded Island in Jackson Park, and also participates in local park advisory committees. She retired from the position of Legislative Director for AFSCME Illinois Council 31.